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TO

Provide for the payment of a lump sum in satisfaction of claims of Irish Railway Companies under an agreement with the Government, and otherwise for the distribution of such sum amongst the several companies and for the continuance of a clause in the said agreement. A.D. 1921.

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

- 1.—(1) The Minister of Transport (hereinafter referred to as the Minister) shall, out of moneys to be provided by Parliament place on deposit with the Bank of Ireland the sum of three million pounds to the credit of a deposit account entitled "the Irish Railway Companies Compensation Account" and that sum shall be payable by the following instalments and on the dates hereinafter mentioned, that is to say, the first instalment of two hundred thousand pounds shall become due on the first day of October nineteen hundred and twenty-one, the second instalment of one million three hundred thousand pounds shall become due on the thirty-first day of December nineteen hundred and twenty-one, and the third instalment of one million five hundred thousand pounds shall become due on the thirty-first day of
- Composition of claims under railway agreements.

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(2) The payment of the said sum shall be a full discharge and in satisfaction of all claims which might otherwise have been made by any railway company in Ireland to which this Act applies for compensation under the Regulation of the Forces Act, 1871, the Ministry of Transport Act, 1919, or otherwise arising out of or in respect of the possession by the Crown of the undertaking, railroad, or plant of such railway company or the exercise of the powers conferred by those Acts:

Provided that the rights and liabilities of the Crown or the Minister on the one hand, and of the railway companies on the other hand, under the terms of the agreements or arrangements relating to the possession by the Crown of the railways, shall, so far as regards the making good of any deficiency in the net receipts of the companies (including the payment of interest) up to the end of the period of possession (but exclusive of any deficiency in net receipts for any period which though not within the period of possession is, by virtue of such agreements, and arrangements as aforesaid, to be deemed or considered to be within that period) and in relation to any sums expended and liabilities incurred by the companies in respect of repairs and renewals effected before the end of that period in accordance with the said agreements and arrangements, subsist and continue.

Distribution
of money
amongst
railway com-
panies.

2.—(1) The moneys so placed to the credit of the said account in accordance with the provisions of this Act, together with the interest (if any) that may accrue thereon, shall, subject to the payment of the expenses of the tribunal hereinafter mentioned, be distributed amongst the railway companies to which this Act applies in accordance with the provisions of this Act by the Irish Railway Clearing House Committee (hereinafter called the Committee) who shall on request issue under their seal a certificate authorising the payment by the Bank of Ireland to each of the said companies forthwith the amount or amounts allocated to such company in accordance with the provisions of this Act, and any such sum so allocated to any company shall be deemed to become or to have become due to the company on the date on which the instalment out of which the sum is payable becomes

or became due, and such certificate shall be sufficient authority to the Bank to make the payment directed thereby and the Bank shall make such payments accordingly.

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- 5 (2) The said moneys and interest shall be distributed amongst the railway companies to which this Act applies in accordance with such scheme or schemes of allocation as may be agreed between the companies or as failing agreement may be settled from time to time by a tribunal
10 (hereinafter referred to as "the tribunal"), consisting of the Right Hon. Sir David Harrel, G.C.B. (who shall be President), John Mackie, Esq., and Herbert Wilson, Esq., K.C., who shall have regard to the terms of the said agreements and arrangements between the Government
15 and the railway companies in Ireland with respect to compensation:

Provided that—

- 20 (i) the said first instalment of two hundred thousand pounds shall, as soon as may be after the first day of October, nineteen hundred and twenty-one, be distributed among those companies whose working expenses exceeded their receipts for the period from the first day of January to the fifteenth day of August (both inclusive),
25 nineteen hundred and twenty-one, in ratio to the extent to which they are so in excess as shown by the estimates of receipts and expenditure furnished for the purposes of the compensation accounts between the Govern-
30 ment and the railway companies; and any payment so made to any railway company shall be treated as a payment on account of the sum ultimately allocated to the company under any such scheme or schemes as afore-
35 said;
- 40 (ii) A baronially guaranteed line worked by the owning company, or by a committee of management, which has been efficiently and economically worked and managed during the twelve months ending on the fifteenth day of August nineteen hundred and twenty-two, shall not receive a less amount than that necessary to ensure that the net receipts for that period

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on railway working, shall not be less, nor the deficiency more, than for the year of account ended next before the first day of January nineteen hundred and fourteen, but in determining the net receipts for the twelve months 5 ending on the fifteenth day of August nineteen hundred and twenty-two no portion of any amount allocated to the working company under any such scheme as aforesaid in respect of arrears of maintenance and renewal shall 10 be taken into account;

(iii) no portion of the said sum of three million pounds or of the interest thereon shall be allocated to any company which is neither itself conducting its traffic nor maintaining 15 its undertaking.

(3) The tribunal shall transmit to the Committee a certificate setting forth their determination upon any matter determined by them under this section.

(4) Notwithstanding anything in the Income Tax 20 Acts any sum received by a railway company under the provisions of this Act shall not be charged to income tax.

(5) The tribunal shall continue until all matters in respect of which they have jurisdiction under this Act have been settled, and in the event of any vacancy 25 occurring amongst the members of the tribunal by death, resignation or otherwise, the Lord Lieutenant may appoint a person to fill the vacancy, but the tribunal may act notwithstanding a vacancy in their number, and two shall be a quorum and, subject as aforesaid, the tribunal may 30 regulate their own procedure.

Continuance
of provisions
of agreement
as to worked
lines.

3. Clause twelve of the agreement between the Government and the Irish railway companies, as confirmed by, and set forth in the Schedule to, the Irish Railways (Confirmation of Agreement) Act, 1919, which 35 regulates the amount payable to owning companies under working agreements, shall continue in force until the Council of Ireland otherwise provide, as if in that clause after the words "during each year of Government control" there were inserted the words "and thereafter 40
"until further provision is made by the Council of
"Ireland."

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Interpreta-
tion.

4.—(1) The railway companies to which this Act applies are the railway companies in Ireland of whose undertakings possession is retained under the Ministry of Transport Act, 1919, up to the end of the period of
5 possession; that is to say, the period ending on the fifteenth day of August nineteen hundred and twenty-one, during which possession of those undertakings is under the said Act authorised to be retained by the Minister.

5. This Act may be cited as the Irish Railways Short title.
10 (Settlement of Claims) Act, 1921.

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To provide for the payment of a lump sum in satisfaction of claims of Irish Railway Companies under an agreement with the Government, and otherwise for the distribution of such sum amongst the several companies and for the continuance of a clause in the said agreements.

*Ordered to be brought in by
Mr. Solicitor-General for Ireland,
Sir Howard Greenwood, and Mr. Hutton Young.*

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